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WRIGHT et ux. v. WRIGHT et al.

Nov. 14, 1918.

[97 S. E. 358.]

1. Equity (§ 325*)—Uncontroverted Allegations—Necessity of Proof.—Allegations of a bill neither admitted nor denied by the answer must be proved upon the hearing.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 127.]

2. Wills (§ 302 (8)*)—Lost Will—Evidence.—In a suit to establish a lost will evidence held not to sustain complainants' burden of proof of the existence of the will and its destruction.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 769.]

3. Wills (§ 289*)—Burden of Proof—Lost Will.—The mere fact that complainants in a suit to establish a lost will have testified to its existence and destruction, and to its contents, does not shift the burden of proof to defendant.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 768.]

4. Wills (§ 302 (8)*)—Probate—Establishment of Lost Will.—To establish the existence and destruction of a lost will, the complainants' burden of proof is not satisfied by a mere preponderance of evidence; proof beyond a reasonable doubt being more nearly within the requirements as generally recognized.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 768.]

Appeal from Circuit Court, Albemarle County.

Proceedings by Thos. W. Wright, Jr., and wife, against Edward B. Wright and others, to establish a will. Decree for defendants, and plaintiffs appeal. Affirmed.

E. O. McCue and *Allen & Walsh*, all of Charlottesville, for appellants.

Watson & Bolling, of Charlottesville, for appellees.

STRAWBERRY HILL LAND CORPORATION v. STARBUCK et al.

Nov. 14, 1918.

[97 S. E. 362.]

1. Constitutional Law (§ 63 (2)*)—Power of Legislature—Delegation—Drainage Districts.—The General Assembly has power to provide for drainage of swamp lands by creation of local drainage districts, to delegate their power to local agencies to organize sys-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.